

2011 SEP 7 AM 10 38

IN THE UNITED STATES DISTRICT COURT

PATRICK E. DUFFY, CLERK

FOR THE DISTRICT OF MONTANA

BY \_\_\_\_\_  
DEPUTY CLERK

BILLINGS DIVISION

MARK SAMS,	)	Cause No. CV 11-97-BLG-RFC
	)	
Petitioner,	)	
	)	
vs.	)	ORDER DISMISSING PETITION
	)	TO TRANSFER SUPERVISED
FEDERAL PROBATION	)	RELEASE
DEPARTMENT,	)	
	)	
Respondent.	)	
_____	)	

On August 30, 2011, following an unsuccessful motion in his criminal case, *see* Order (doc. 34), No. CR 08-39-M-DWM (D. Mont. Apr. 20, 2011), Mark Sams filed this petition for writ of habeas corpus under 28 U.S.C. § 2241.

Sams again seeks an order permitting him to transfer his supervised release from the District of Montana to the Middle District of Florida. As Judge Molloy has already said, this is a matter for the Bureau of Prisons and the United States Probation Office. As the Probation Office has no doubt advised him, Sams must first make his request through the BOP. If the BOP decides he will be released to Montana, he will

be released to Montana. He may discuss the matter with the Probation Office here at that time. Except at the instance of the Probation Office, the Court is not involved in these matters.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Sams' petition to transfer his supervised release (doc. 1) is DENIED; and
2. The Court CERTIFIES, pursuant to Fed. R. App. P. 24(a)(3)(A), that any appeal from this disposition would not be taken in good faith and Sams should not be permitted to prosecute an appeal in forma pauperis.

DATED this 2<sup>nd</sup> day of September, 2011.

  
Richard F. Cebull, Chief Judge  
United States District Court